

REMARKS

I. Preliminary Matters

A. Applicants' Claim to Priority

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority based on application TO2002A000684, filed in Italy on July 31, 2002.

Applicants submit herewith a certified copy of the priority document to satisfy the requirements of 35 U.S.C. § 119(b). The Examiner is kindly requested to acknowledge receipt of the same.

B. Sequence Listing

Applicants submit concurrently herewith, a Sequence Listing and a Statement in Support of Filing and Submission of the Sequence Listing in compliance with 37 C.F.R. §§ 1.821-1.825. The Examiner is kindly requested to acknowledge the same.

II. Status of Specification and Claims

Specification is amended to incorporate proper Sequence Listing and SEQ ID NOs.

Claims 1-5 are pending in the application, and claims 2-5 are withdrawn from consideration.

Claim 1 is amended to define the structure of angelicin, with support in the specification, for example, at the last paragraph of page 2. Claim 1 is further amended to recite the structural analogues of angelicin, with support in the specification, for example, at the paragraph bridging pages 2 and 3 and original claim 2.

Claim 2 is canceled without prejudice and disclaimer and claim 3 is amended to modify its dependency.

No new matter is added. Accordingly, entry of the amendment is respectfully requested.

III. Response to Claim Rejections under 35 U.S.C. § 112

A. Claim 1 is rejected under 35 U.S.C. § 112, first paragraph. Specifically, the Examiner states that there is written description support for some structural analogs, but not for all possible structural analogs.

Claim 1 has been amended to recite structural analogues of angelicin which find support in the present specification.

B. Claim 1 is further rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Examiner states that “angelicin” refers not only to (2-oxo-(2H)-furo-(2,3-h)-1-benzopyran), as depicted at page 2 of the present specification, but also beta-sitosterol or betaprost.

Claim 1 has been amended to recite the structural formula of angelicin, thereby distinguishing angelicin from beta-sitosterol.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the § 112 rejections of claim 1.

IV. Response to Claim Rejections under 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nagai et al. (AN 1996:689283, which corresponds to JP 08231417) in view of Naeff et al. (U.S. Patent No. 6,645,522 B2). Specifically, the Examiner asserts that the Abstract of Nagai discloses erythropoietin (EPO)-containing liposomes containing phospholipids that contain sterol-type lipids or sterol glycosides such as beta-sitosterol (also commonly known as angelicin), campesterol, stigmasterol, brassicasterol or cholesterol that is useful for the treatment of anemia. (Emphasis added).

Amended claim 1 recites the chemical structure of angelicin as being (2-oxo-(2H)-furo-(2,3-h)-1-benzopyran). Applicants submit that none of the compounds disclosed in Nagai are within the scope of angelicin, as recited in amended claim 1. Furthermore, Naeff does not cure the above deficiency in Nagai.

In view of the above, Applicants respectfully submit that claim 1 is patentable over Nagai, individually and in combination with Naeff. Therefore, reconsideration and withdrawal of the § 103 rejection of claim 1 are respectfully requested.

Conclusion

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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